

Mad-Roaring-Mills Forest Restoration Project

Draft Heritage Resources Report

Prepared by:

Françoise M. Sweeney
North Zone
Archaeologist

for:

Entiat Ranger District
Okanogan-Wenatchee National
Forest

November 16, 2021

1.0 - Introduction

This resource area is not driving the needs of the Mad-Roaring-Mills project, there are no substantial effects to Heritage resources, and no issues were raised during internal discussions or through Tribal consultations that could not be addressed through design criteria and/or monitoring/mitigations, or by responding to comments.

The Heritage resources-related information provided for this project will consist of the regulatory framework applicable to this project, how the project would comply with this framework, and specific design criteria, monitoring, and/or mitigations that would be included in this project.

2.0 - Relevant Laws, Regulations, and Policy, and Project Compliance

The US Forest Service must comply with stipulations of Section 106 of the National Historic Preservation Act (NHPA, 1966) which requires federal agencies to consider the effects on historic properties of projects it proposes to implement, support, fund, permit, license, or approve. In light of NHPA compliance requirements, a Programmatic Agreement (PA) was approved in 2020 by National Forests in Washington State, the Washington Department of Archaeology and Historic Preservation (WA-DAHP) and the federal Advisory Council on Historic Preservation (ACHP). The 2020 PA sets guidelines for NHPA-Section 106 compliance; Appendix E of the PA may be used in instances where large landscape areas are being considered under NEPA and allows for a phased process to conduct cultural site identification and evaluation efforts. Phase I undertakings have been identified at the outset of the NEPA process and NHPA-Section 106 is being completed for those undertakings; additional NHPA Section 106 clearances will be completed prior to implementation as future project-related undertakings are identified.

Regulatory Framework

Federal Law

- **36 CFR 800** Protection of Historic Properties (as amended, August 2004). Requires the initiation of the NHPA Section 106 process which includes consultations with State Historic Preservation Office (WA-DAHP) and Native American Tribes, the identification of historic properties, assessment of project effects, resolution of adverse effects if found and coordination with NEPA .

Compliance: Government-to-government consultations have been initiated between the Forest and interested Tribes; coordination of field surveys and identification of historic properties is underway; effects will be determined once this has been completed for each phase of the project; adverse effects to NRHP-eligible or unevaluated sites will be avoided through project design; Tribal Historic Preservation Officers (THPOs) will be given 30-days to review survey results, provide comments and concerns.

- **National Historic Preservation Act** (1966, as amended 1992), Section 106 as noted above.

Compliance: As noted above.

- **American Indian Religious Freedom Act** (1978). Requires that federal agencies allow Native People of the United States to practice, protect and preserve their inherent right of freedom to believe, express, and exercise their traditional religious rights, spiritual and cultural practices. Including access to sacred sites, freedom to worship through traditional ceremonial rites, and the possession and use of objects traditionally

considered sacred by their respective cultures.

Compliance: THPOs will have 30-days to provide comments and concerns with determinations of project effects.

- **Treaty with the Yakama (1855).** Portions of the Okanogan-Wenatchee National Forest lie within the ceded territories of the confederated tribes and bands of the Yakama Indian Nation. Article 3 is especially pertinent to the management of Forest lands; consideration must be given to the environmental effects of land management activities on traditional tribal resource values and on the water quality and anadromous fish habitat of the Forest.

Compliance: As noted above.

- **Archaeological Resource Protection Act (1979, as amended 1988).** Regulates access to archaeological resources on federal and Indian lands. Federal compliance requires the issuance of an ARPA permit to those conducting archaeological research or investigations on public lands.

Compliance: If Forest personnel are unavailable to complete cultural resources inventories, all non-agency professional archaeologists will be issued ARPA permits by the Okanogan-Wenatchee NF to survey and inventory USFS lands in the project area. Permissions to survey and inventory other federal lands within in the APE would be issued in accordance with the respective agencies' standards and guidelines, should future project-related undertakings be identified on these lands.

- **Native American Graves Protection and Repatriation Act (1990).** Requires the protection of Native American burial sites and careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. Indian Tribes must be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands (Section 3).

Compliance: If any human remains are encountered in the Mad-Roaring-Mills Restoration project area, the Forest's Inadvertent Discovery Plan for Human Remains (2020), pursuant to NAGPRA, would be followed.

Executive Orders

- **Executive Order 11593,** Protection and Enhancement of the Cultural Environment (1971), in part, directs Federal agencies to exercise caution while sites are undergoing evaluation to ensure that cultural resources under their control are not inadvertently damaged, destroyed, or transferred before the completion of inventories and the evaluation of properties worthy of nomination to the National Register.

Thus, archaeological sites and Historic Properties are protected resources which, if eligible or potentially eligible for listing in the National Register of Historic Places, must be monitored to ensure that project implementation design criteria for site avoidance were successful.

Compliance: Once NRHP-eligible and unevaluated sites in the APE have been identified, management recommendations will be developed. Project design features will ensure site protection through avoidance and site monitoring schedules will be implemented.

- **E.O. 13007 Protection of Indian Sacred Sites (1996)**

Compliance: Government-to-government consultations have been initiated between the Forest and interested Tribes; Tribal Historic Preservation Officers (THPOs) will be given 30-days to review survey results and management recommendations, and to provide comments and concerns.

- **E.O. 13175 Consultation and Coordination with Indian Tribal Governments (2000)**

Compliance: As noted above.

Land Management Plan

The Wenatchee National Forest Land and Resource Management Plan (LRMP) provides the following Forest-wide standards and guidelines (S&Gs) for Heritage (cultural) resources (1990, Chapter 4: 66-67).

-Cultural Resources Evaluation and Assessment

- Evaluate the significance of inventoried sites by applying the NRHP eligibility criteria;
- Nominate cultural resources that meet the appropriate NRP-listing criteria;
- Consider the effects of all Forest Service undertakings on significant cultural resources and assure the development of measures to avoid or mitigate any adverse effects.

-Cultural Resources Protection and Enhancement

- Develop measures to protect significant sites from adverse effects due to project activities; consultations may be developed in consultation with WA-DAHP, ACHP and/or affected Tribes. Measures can include the following:
 - adjustment of project boundaries to ensure complete avoidance of a site and its setting;
 - adopting methods to minimize disturbance to a site or its setting;
 - meeting Secretary of Interior's Standards for Historic Preservation Projects for projects involving historic structures;
 - removal of the cultural property (historic) to another appropriate location after full documentation while in place;
 - mapping & photo-documentation of historic properties prior to project implementation;
 - excavation of archaeological sites, via contract, utilizing a professionally sound research design and carried out in consultation with interested Tribes and W-DAHP.
- Protect cultural resources from degradation;

- Maintain NRHP-listed structures to maximum extent practical;
- Provide opportunities for scientific or scholarly research;
- Apply the SI-2 prescription to future cultural properties, based on NRHP-eligibility, scientific values and/or American Indian concerns;
- Interpret suitable cultural resource properties for the benefit of recreational use and educational benefit of the public.

Desired Condition

The Wenatchee National Forest Land Management Plan directs managers to continue to inventory, evaluate, nominate, enhance, interpret, and protect historic and prehistoric sites. Priority will be given to completing inventories and evaluations on sites where proposed activities may have an adverse impact.

As policy, **FSM 2360.3** adheres to the following:

1. Establish and maintain effective relationships with Federal, State, Tribal, and local governments and historic preservation organizations at all levels of the agency to ensure protection of cultural resources and to promote Heritage Program efficiencies.
2. Fully integrate opportunities for preservation, protection, and utilization of cultural resources into land use planning and decisions.
3. Manage cultural resources through a process of identification, evaluation, and allocation to appropriate management categories that protect cultural resource values and benefit the public.
4. Recognize cultural resources through National Register of Historic Places nomination, National Historic Landmark recommendation, and other special designations.
5. Provide opportunities for public use and enjoyment of cultural resources through education and outreach programs that promote resource stewardship.
6. Facilitate scientific research of cultural resources to increase understanding of past human cultures and environments.
7. Use cultural resource data to increase scientific understanding of the evolution and condition of ecosystems and to benefit Forest Service land management practices.
8. Protect cultural resources from the effects of Forest Service or Forest Service-authorized undertakings, unauthorized use, and environmental damage.

Federal law requires the mitigation of adverse impacts to sites eligible for inclusion in the National Register of Historic Sites. Mitigation measures for these sites are determined on an individual basis.

3.0 - Resource Concerns

American Indian Treaty Rights

No American Indian Treaty Rights would be adversely affected by the Mad-Roaring-Mills Restoration Project. Government to government consultation letters were sent to the Confederated Tribes of the Colville Reservation (CTCR) and the Yakama Nation (YN) on May 14, 2021; the letters described the Mad-Roaring-Mills Restoration Project and identified its Area of Potential Effect (APE), defined as the geographic area or areas which an undertaking may directly or indirectly cause alterations in the character or use of historic properties and their settings. The APE is three dimensional and includes auditory, visual and ground-disturbing activities.

On June 15, 2021, the CTCR responded and concurred with the following:

- the APE, as defined;
- the proposed phased identification approach for cultural resources within the APE, as outlined in the 2020 PA-Appendix E; and,
- the proposed methodology to initially focus on the vegetation treatment (thinning and fuels), road decommissioning, and aquatic habitat enhancements.

Furthermore, the CTCR shared that the proposed project lies within the traditional territory of the Entiat Tribe, one of 12 constituent tribes of the Confederated Tribes of the Colville Reservation which is governed by the Colville Business Council (CBC). The CBC delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CTCR with regard to cultural resources management issues throughout the traditional territories of all of the constituent tribes under Resolution 1996-29. This area includes parts of eastern Washington, northeastern Oregon, the Palus territory in Idaho, and south-central British Columbia.

Responses to initial NHPA-Section 106 consultations for this project were not received from the Yakama Nation.

Heritage Resources

Okanogan-Wenatchee National Forest will be completing a sample survey of the Mad-Roaring-Mills Restoration Project area. Surveys will include 1) pedestrian transects, 2) shovel probes in especially high probability areas where the project's proposed activities would cause more than incidental sub-surface disturbance and 3) purposeful monitoring of all previously recorded NRHP-eligible, or potentially eligible, sites in the project area. Special attention will also be given to identifying traditional-use plant species known to be significant tribal resources. The level of survey completed meets the requirements of Section 106 of the National Historic Preservation Act (NHPA) of 1966 (36 CFR 800) under the terms of the existing Okanogan-Wenatchee National Forest Programmatic Agreement with the WA-DAHP, Appendix E for phased undertakings.

Traditional Cultural Properties (TCPs) are defined in National Register Bulletin #38 as a property that is eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (Parker and King 1998). The Cultural Resource survey of the Mad-Roaring-Mills Restoration Project area will carefully consider potential TCPs, including Indian allotments, ethnographically-recorded villages and/or campsites, place names, archaeological sites, burials, rock images, vision quest sites and/or related features, resource procurement areas (including plant gathering localities, fishing and hunting areas), trails, and ceremonial and/or legendary locations. All

identified TCPs would be avoided through tribal consultations and project design criteria. If cultural resources are discovered as a result of project activity, all work in the vicinity of the discovery would cease until assessment by a cultural resource specialist. Additional tribal consultations may be necessary at that time.

To meet the Forest Plan's desired future condition for cultural resources in the Mad-Roaring-Mills Restoration Project area, treatments would avoid adverse impacts to cultural resources eligible for listing on the National Register of Historic Places, including TCPs. The activities proposed in this project meet the desired condition by avoiding known NRHP-eligible sites and potentially eligible TCPs. Project design criteria provide for the assessment and protection (as needed) of any sites, isolates or TCPs discovered during project implementation.

The preferred action Alternative 2 proposed in the Mad-Roaring-Mills Restoration project would comply with federal laws. The proposed action alternative meets Forest Plan Standards and Guidelines for Cultural Resources (Wenatchee National Forest Plan, Chapter 4: 66-67). All relevant laws and regulations have been met for this project with the completion of the cultural resources inventory per NHPA-Section 106, the 2020 PA-Appendix E and by providing the interdisciplinary team with appropriate input as per NEPA.

4.0 Project Design Criteria, Monitoring, and Mitigations

Tables 1 lists project design features related to Heritage Resources, efficacy, required monitoring, and how it ties to compliance with law, policy, Forest Plan standards and guidelines, or regulation. Items are numbers as shown in the EA for consistency.

Design Feature	Objective	Efficacy	Monitoring Required	Ensures Compliance With/Addresses
Activities will avoid NRHP-eligible and unevaluated cultural resources. Burn plans and contracts will contain clauses allowing the Forest Service to modify or cancel portions of the operations to protect known and newly discovered cultural resources. If cultural resources are discovered as a result of project activity, all work in the vicinity of the discovery will cease until assessment by a cultural resource specialist and in consultation with affected Tribes, as appropriate.	Protect cultural and heritage resources.	High	No	FSM 2360.3, NHPA-Section 106; 36CFR 800.1 E.O. 11593 E.O. 13175
Project implementation monitoring will occur where ground visibility is low and where site location probabilities are higher in close proximity to known unevaluated or NRHP-eligible sites.	Protect cultural and heritage resources	High	Yes	PA 2020, Appendix E

5.0 - Other Agencies and Individuals Consulted

Confederated Tribes of the Colville Reservation

Rodney Cawston, Colville Business Council Chairman

Guy Moura, Tribal Historic Preservation Officer (tribally designated point of contact for all CTCR environmental staff)

Rebecca Gordon, Archaeologist Senior

Yakama Indian Nation

Delano Saluskin, Tribal Council Chairman

George Selam, Cultural Committee Chair

Kate Valdez, Tribal Historic Preservation Officer

Casey Barney, Cultural Resources Program Manager

Noah Oliver, Cultural Resources Program

Lee Carlson, Tribal/USFS Liaison (*since retired*)

Elizabeth Sanchey, Environmental Program Manager

Washington State Department of Archaeology & Historic Preservation

Robert Whitlam, State Archaeologist

5.1 Intensity Factors for Significance (FONSI) (40 CFR 1508.27(b))

-Through Tribal consultations, we know that the project area is in the traditional territory of the CTCR-Entiat Tribe; and the Entiat are also enrolled members of the Yakama Nation. The Mad-Roaring-Mills sub-watersheds are expected to possess some traditional tribal values and resources; however, specific Traditional Cultural Properties (TCPs) have not been identified within the project area.

-Project design criteria have been developed so as to avoid impacting sites that are unevaluated or eligible for listing in the National Register of Historic Places. During the Phased approach to NHPA Section 106, additional opportunities for consultations with the Tribal Historic Preservation Officers and their Heritage Programs will arise. As new sites are identified, evaluated and determinations of effect are assessed, avoidance and protection measures will be developed and THPOs will have the opportunity to advise managers of potential adverse effects to cultural resources prior to any implementation.

